

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**ARTHUR BERNARD HAYES, :
AIS 113813, :
Petitioner, :
vs. : CA 09-0166-CG-C
DAVID WISE, :
Respondent.**

JUDGMENT

In accordance with the order entered on this date, it is hereby **ORDERED**, **ADJUDGED**, and **DECREED** that the instant petition be dismissed as time-barred pursuant to 28 U.S.C. § 2244(d) to the extent that it constitutes Hayes' attempt to attack his underlying January 8, 1976 first-degree murder conviction, or alternatively, that same be dismissed due to petitioner's failure to comply with 28 U.S.C. § 2244(b)(3)(A). To the extent, however, that the petition can be read as attacking the March 2007 revocation of petitioner's parole, this cause is due to be, and is hereby, dismissed, without prejudice, to allow petitioner the opportunity to fully exhaust his state court remedies.

DONE and ORDERED this 19th day of August, 2009.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE

